

House File 2082 - Introduced

HOUSE FILE 2082

BY SHIPLEY

A BILL FOR

1 An Act relating to gender identity and disability under the
2 Iowa civil rights Act.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 216.2, subsection 5, Code 2024, is
2 amended to read as follows:

3 5. "*Disability*" means the physical or mental condition
4 of a person which constitutes a substantial disability, a
5 diagnosis for gender dysphoria or any condition related to
6 a gender identity disorder, and the condition of a person
7 with a positive human immunodeficiency virus test result, a
8 diagnosis of acquired immune deficiency syndrome, a diagnosis
9 of acquired immune deficiency syndrome-related complex, or
10 any other condition related to acquired immune deficiency
11 syndrome. The inclusion of a condition related to a positive
12 human immunodeficiency virus test result in the meaning of
13 "*disability*" under the provisions of [this chapter](#) does not
14 preclude the application of the provisions of [this chapter](#)
15 to conditions resulting from other contagious or infectious
16 diseases.

17 Sec. 2. Section 216.2, subsection 10, Code 2024, is amended
18 by striking the subsection.

19 Sec. 3. Section 216.5, subsections 6 and 8, Code 2024, are
20 amended to read as follows:

21 6. To issue such publications and reports of investigations
22 and research as in the judgment of the commission shall tend
23 to promote goodwill among the various racial, religious, and
24 ethnic groups of the state and which shall tend to minimize or
25 eliminate discrimination in public accommodations, employment,
26 apprenticeship and on-the-job training programs, vocational
27 schools, career and technical education programs, or housing
28 because of race, creed, color, sex, sexual orientation, ~~gender~~
29 ~~identity~~, national origin, religion, ancestry, or disability.

30 8. To make recommendations to the general assembly for
31 such further legislation concerning discrimination because of
32 race, creed, color, sex, sexual orientation, ~~gender identity~~,
33 national origin, religion, ancestry, or disability as it may
34 deem necessary and desirable.

35 Sec. 4. Section 216.6, subsection 1, paragraphs a, b, and c,

1 Code 2024, are amended to read as follows:

2 *a.* Person to refuse to hire, accept, register, classify,
3 or refer for employment, to discharge any employee, or to
4 otherwise discriminate in employment against any applicant
5 for employment or any employee because of the age, race,
6 creed, color, sex, sexual orientation, ~~gender identity,~~
7 national origin, religion, or disability of such applicant or
8 employee, unless based upon the nature of the occupation. If a
9 person with a disability is qualified to perform a particular
10 occupation, by reason of training or experience, the nature
11 of that occupation shall not be the basis for exception to
12 the unfair or discriminatory practices prohibited by this
13 subsection.

14 *b.* Labor organization or the employees, agents, or members
15 thereof to refuse to admit to membership any applicant, to
16 expel any member, or to otherwise discriminate against any
17 applicant for membership or any member in the privileges,
18 rights, or benefits of such membership because of the age,
19 race, creed, color, sex, sexual orientation, ~~gender identity,~~
20 national origin, religion, or disability of such applicant or
21 member.

22 *c.* Employer, employment agency, labor organization, or the
23 employees, agents, or members thereof to directly or indirectly
24 advertise or in any other manner indicate or publicize that
25 individuals of any particular age, race, creed, color, sex,
26 sexual orientation, ~~gender identity,~~ national origin, religion,
27 or disability are unwelcome, objectionable, not acceptable, or
28 not solicited for employment or membership unless based on the
29 nature of the occupation.

30 (1) If a person with a disability is qualified to perform a
31 particular occupation by reason of training or experience, the
32 nature of that occupation shall not be the basis for exception
33 to the unfair or discriminatory practices prohibited by this
34 subsection.

35 (2) An employer, employment agency, or their employees,

1 servants, or agents may offer employment or advertise for
2 employment to only persons with disabilities, when other
3 applicants have available to them other employment compatible
4 with their ability which would not be available to persons
5 with disabilities because of their disabilities. Any such
6 employment or offer of employment shall not discriminate among
7 persons with disabilities on the basis of race, color, creed,
8 sex, sexual orientation, ~~gender identity~~, or national origin.

9 Sec. 5. Section 216.6, subsection 6, paragraph d, Code 2024,
10 is amended to read as follows:

11 *d.* Any bona fide religious institution or its educational
12 facility, association, corporation, or society with respect
13 to any qualifications for employment based on religion, or
14 sexual orientation, ~~or gender identity~~ when such qualifications
15 are related to a bona fide religious purpose. A religious
16 qualification for instructional personnel or an administrative
17 officer, serving in a supervisory capacity of a bona fide
18 religious educational facility or religious institution, shall
19 be presumed to be a bona fide occupational qualification.

20 Sec. 6. Section 216.6A, subsection 1, paragraph a,
21 unnumbered paragraph 1, Code 2024, is amended to read as
22 follows:

23 The general assembly finds that the practice of
24 discriminating against any employee because of the age,
25 race, creed, color, sex, sexual orientation, ~~gender identity~~,
26 national origin, religion, or disability of such employee by
27 paying wages to such employee at a rate less than the rate paid
28 to other employees does all of the following:

29 Sec. 7. Section 216.6A, subsection 1, paragraph b, Code
30 2024, is amended to read as follows:

31 *b.* The general assembly declares that it is the policy
32 of this state to correct and, as rapidly as possible, to
33 eliminate, discriminatory wage practices based on age, race,
34 creed, color, sex, sexual orientation, ~~gender identity~~,
35 national origin, religion, and disability.

1 Sec. 8. Section 216.6A, subsection 2, paragraph a, Code
2 2024, is amended to read as follows:

3 *a.* It shall be an unfair or discriminatory practice for any
4 employer or agent of any employer to discriminate against any
5 employee because of the age, race, creed, color, sex, sexual
6 orientation, ~~gender identity~~, national origin, religion, or
7 disability of such employee by paying wages to such employee
8 at a rate less than the rate paid to other employees who are
9 employed within the same establishment for equal work on jobs,
10 the performance of which requires equal skill, effort, and
11 responsibility, and which are performed under similar working
12 conditions. An employer or agent of an employer who is paying
13 wages to an employee at a rate less than the rate paid to other
14 employees in violation of [this section](#) shall not remedy the
15 violation by reducing the wage rate of any employee.

16 Sec. 9. Section 216.6A, subsection 3, paragraph d, Code
17 2024, is amended to read as follows:

18 *d.* Pay differential is based on any other factor other than
19 the age, race, creed, color, sex, sexual orientation, ~~gender~~
20 ~~identity~~, national origin, religion, or disability of such
21 employee.

22 Sec. 10. Section 216.7, subsection 1, paragraphs a and b,
23 Code 2024, are amended to read as follows:

24 *a.* To refuse or deny to any person because of race,
25 creed, color, sex, sexual orientation, ~~gender identity~~,
26 national origin, religion, or disability the accommodations,
27 advantages, facilities, services, or privileges thereof,
28 or otherwise to discriminate against any person because of
29 race, creed, color, sex, sexual orientation, ~~gender identity~~,
30 national origin, religion, or disability in the furnishing
31 of such accommodations, advantages, facilities, services, or
32 privileges.

33 *b.* To directly or indirectly advertise or in any other
34 manner indicate or publicize that the patronage of persons of
35 any particular race, creed, color, sex, sexual orientation,

1 ~~gender identity~~, national origin, religion, or disability is
2 unwelcome, objectionable, not acceptable, or not solicited.

3 Sec. 11. Section 216.7, subsection 2, paragraph a, Code
4 2024, is amended to read as follows:

5 a. Any bona fide religious institution with respect to any
6 qualifications the institution may impose based on religion, or
7 sexual orientation, ~~or gender identity~~ when such qualifications
8 are related to a bona fide religious purpose.

9 Sec. 12. Section 216.8, subsection 1, paragraphs a, b, c,
10 and d, Code 2024, are amended to read as follows:

11 a. To refuse to sell, rent, lease, assign, sublease, refuse
12 to negotiate, or to otherwise make unavailable, or deny any
13 real property or housing accommodation or part, portion, or
14 interest therein, to any person because of the race, color,
15 creed, sex, sexual orientation, ~~gender identity~~, religion,
16 national origin, disability, or familial status of such person.

17 b. To discriminate against any person because of the
18 person's race, color, creed, sex, sexual orientation, ~~gender~~
19 ~~identity~~, religion, national origin, disability, or familial
20 status, in the terms, conditions, or privileges of the sale,
21 rental, lease assignment, or sublease of any real property or
22 housing accommodation or any part, portion, or interest in the
23 real property or housing accommodation or in the provision of
24 services or facilities in connection with the real property or
25 housing accommodation.

26 c. To directly or indirectly advertise, or in any other
27 manner indicate or publicize that the purchase, rental,
28 lease, assignment, or sublease of any real property or housing
29 accommodation or any part, portion, or interest therein, by
30 persons of any particular race, color, creed, sex, sexual
31 orientation, ~~gender identity~~, religion, national origin,
32 disability, or familial status is unwelcome, objectionable, not
33 acceptable, or not solicited.

34 d. To discriminate against the lessee or purchaser of any
35 real property or housing accommodation or part, portion, or

1 interest of the real property or housing accommodation, or
2 against any prospective lessee or purchaser of the property or
3 accommodation, because of the race, color, creed, religion,
4 sex, sexual orientation, ~~gender identity~~, disability, age, or
5 national origin of persons who may from time to time be present
6 in or on the lessee's or owner's premises for lawful purposes
7 at the invitation of the lessee or owner as friends, guests,
8 visitors, relatives, or in any similar capacity.

9 Sec. 13. Section 216.8A, subsections 1, 2, and 5, Code 2024,
10 are amended to read as follows:

11 1. A person shall not induce or attempt to induce another
12 person to sell or rent a dwelling by representations regarding
13 the entry or prospective entry into a neighborhood of a person
14 of a particular race, color, creed, sex, sexual orientation,
15 ~~gender identity~~, religion, national origin, disability, or
16 familial status.

17 2. A person shall not represent to a person of a particular
18 race, color, creed, sex, sexual orientation, ~~gender identity~~,
19 religion, national origin, disability, or familial status that
20 a dwelling is not available for inspection, sale, or rental
21 when the dwelling is available for inspection, sale, or rental.

22 5. A person shall not deny another person access to,
23 or membership or participation in, a multiple-listing
24 service, real estate brokers' organization or other service,
25 organization, or facility relating to the business of selling
26 or renting dwellings, or discriminate against a person in
27 terms or conditions of access, membership, or participation in
28 such organization because of race, color, creed, sex, sexual
29 orientation, ~~gender identity~~, religion, national origin,
30 disability, or familial status.

31 Sec. 14. Section 216.8A, subsection 4, paragraph a, Code
32 2024, is amended to read as follows:

33 a. A person whose business includes engaging in residential
34 real estate related transactions shall not discriminate
35 against a person in making a residential real estate

1 related transaction available or in terms or conditions of
2 a residential real estate related transaction because of
3 race, color, creed, sex, sexual orientation, ~~gender identity~~,
4 religion, national origin, disability, or familial status.

5 Sec. 15. Section 216.9, subsection 1, unnumbered paragraph
6 1, Code 2024, is amended to read as follows:

7 It is an unfair or discriminatory practice for any
8 educational institution to discriminate on the basis of
9 race, creed, color, sex, sexual orientation, ~~gender identity~~,
10 national origin, religion, or disability in any program or
11 activity. Such discriminatory practices shall include but not
12 be limited to the following practices:

13 Sec. 16. Section 216.9, subsection 2, Code 2024, is amended
14 to read as follows:

15 2. For the purpose of [this section](#), "*educational*
16 *institution*" includes any preschool, elementary or secondary
17 school, community college, area education agency, or
18 postsecondary college or university and their governing boards.
19 This section does not prohibit an educational institution
20 from maintaining separate toilet facilities, locker rooms, or
21 living facilities for the different sexes so long as comparable
22 facilities are provided. Nothing in [this section](#) shall be
23 construed as prohibiting any bona fide religious institution
24 from imposing qualifications based on religion, or sexual
25 orientation, ~~or gender identity~~ when such qualifications are
26 related to a bona fide religious purpose or any institution
27 from admitting students of only one sex.

28 Sec. 17. Section 216.10, subsection 1, paragraphs a, b, and
29 c, Code 2024, are amended to read as follows:

30 a. Creditor to refuse to enter into a consumer credit
31 transaction or impose finance charges or other terms or
32 conditions more onerous than those regularly extended by that
33 creditor to consumers of similar economic backgrounds because
34 of age, color, creed, national origin, race, religion, marital
35 status, sex, sexual orientation, ~~gender identity~~, physical

1 disability, or familial status.

2 *b.* Person authorized or licensed to do business in this
3 state pursuant to [chapter 524, 533, 536, or 536A](#) to refuse
4 to loan or extend credit or to impose terms or conditions
5 more onerous than those regularly extended to persons of
6 similar economic backgrounds because of age, color, creed,
7 national origin, race, religion, marital status, sex, sexual
8 orientation, ~~gender identity~~, physical disability, or familial
9 status.

10 *c.* Creditor to refuse to offer credit life or health and
11 accident insurance because of color, creed, national origin,
12 race, religion, marital status, age, physical disability,
13 sex, sexual orientation, ~~gender identity~~, or familial status.
14 Refusal by a creditor to offer credit life or health and
15 accident insurance based upon the age or physical disability of
16 the consumer shall not be an unfair or discriminatory practice
17 if such denial is based solely upon bona fide underwriting
18 considerations not prohibited by [Title XIII, subtitle 1](#).

19 Sec. 18. Section 216.12, subsection 1, paragraph a, Code
20 2024, is amended to read as follows:

21 *a.* Any bona fide religious institution with respect to
22 any qualifications it may impose based on religion, or sexual
23 orientation, ~~or gender identity~~, when the qualifications are
24 related to a bona fide religious purpose, unless the religious
25 institution owns or operates property for a commercial purpose
26 or membership in the religion is restricted on account of race,
27 color, or national origin.

28 Sec. 19. Section 216.12A, Code 2024, is amended to read as
29 follows:

30 **216.12A Additional housing exception.**

31 Sections 216.8 and [216.8A](#) do not prohibit a person engaged
32 in the business of furnishing appraisals of real estate from
33 taking into consideration factors other than race, color,
34 creed, sex, sexual orientation, ~~gender identity~~, religion,
35 national origin, disability, or familial status in appraising

1 real estate.

2 Sec. 20. Section 279.78, subsection 1, paragraph a, Code
3 2024, is amended to read as follows:

4 a. *"Gender identity"* means ~~the same as defined in section~~
5 216.2 a gender-related identity of a person, regardless of the
6 person's assigned sex at birth.

7 Sec. 21. Section 279.80, subsection 1, paragraph a, Code
8 2024, is amended to read as follows:

9 a. *"Gender identity"* means the same as defined in section
10 216.2 279.78, subsection 1.

11 EXPLANATION

12 The inclusion of this explanation does not constitute agreement with
13 the explanation's substance by the members of the general assembly.

14 This bill relates to gender under Code chapter 216, the Iowa
15 civil rights Act.

16 Under current law, Code chapter 216 prohibits discrimination
17 in employment, wages, public accommodations, housing,
18 education, and credit practices based upon certain
19 characteristics of a person, including gender identity.
20 A person who claims to be aggrieved by an unfair or
21 discriminatory practice prohibited by Code chapter 216 may
22 file a complaint with the Iowa civil rights commission. Code
23 chapter 216 provides various remedies for such practices. Code
24 chapter 216 defines "gender identity" as the gender-related
25 identity of a person, regardless of the person's assigned sex
26 at birth.

27 For purposes of Code chapter 216, the bill removes gender
28 identity as a protected class. The bill also adds a diagnosis
29 for gender dysphoria or any condition related to a gender
30 identity disorder to the definition of "disability" in Code
31 chapter 216. Disability is a protected class for purposes of
32 Code chapter 216.

33 The bill makes conforming changes related to the strike of
34 the definition of gender identity in Code chapter 216.